

GUIDANCE FOR SUBMISSION AND REVIEW OF APPLICATIONS BEFORE THE SHELBY COUNTY MUNICIPAL SOLID WASTE REGION PLANNING BOARD

INTRODUCTION

In order to assist applicants seeking approval and the Shelby County Municipal Solid Waste Region Planning Board (Board) in reviewing applications for the construction of new or the modification of existing solid waste management facilities located in Shelby County, this guidance is promulgated. The Board is charged with the duty of reviewing applications for their compliance with the current Ten Year Solid Management Plan (Plan). A central element of this plan is the goal of diverting waste from Class I landfill facilities. This guidance is intended to give general procedures and timeframes for the review. They are not regulations. The procedures and timeframes are subject to change without notice to applicants or potential applicants by Board action.

PURPOSE

The purpose of this guidance is to better identify the informational needs of and procedural steps for the Shelby County Municipal Solid Waste Region Planning Board's review of a proposed new or modified existing Solid Waste Management facility in order to determine:

1. Its value in meeting the Community's long term solid waste disposal or recycling needs.
2. The facility's relationship to the stated planning goals as described in the Plan
3. The facility's new, unique or otherwise required solid waste management facilities.

APPLICATIONS

The application should consist of the following items:

1. A complete copy of the most current version of the solid waste permit application submitted by the applicant to the Tennessee Department of Environment and Conservation.
2. Evidence that all required local zoning approvals have been secured for the subject property, including, when applicable, copies of the special use permits or similar legislative approval. Such evidence may include statements from the Director of the Land Use Control Board or Planning Department for the jurisdiction in which the facility is or will be located.

3. A statement from the applicant providing their position and reasoning as to the application's compliance with the Plan in effect when the application is submitted.
4. For existing facilities, tonnage data from the past three years of site operations.

Once a complete application is received, the applicant will be notified, in writing, of the time and place for the public hearing on the application. Such hearing shall occur within sixty (60) days of the date of the written notice of application completeness.

NOTICE OF PUBLIC COMMENT PERIOD AND PUBLIC HEARING

Notice of the opening of a public comment period and of the required public hearing shall be published in a newspaper of general circulation in Shelby County at least 30 days before the date established for the public hearing, and any other local newspaper(s) the Board Secretary may require in order to adequately inform communities neighboring the facilities. Such notice shall include, at a minimum:

1. The opening and closing dates of the public comment period and where and how such comments can be provided,
2. Information on the time, date and location of the Public Hearing,
3. A general statement of the Board's review responsibility under state regulation
4. A description of the location of the proposed/existing facility and all the activities the applicant intends to conduct at that location
5. A statement of whether it is a modification of an existing or construction of a new facility.

A sample notice is provided in Exhibit I of this guidance document. All expenses associated with the publication of this notice shall be the responsibility of the applicant. The applicant shall undertake the publication of the notice directly, once submitting the draft notice for a compliance review to the Secretary of the Board and receiving approval to publish the notice and a list of publications in which the notice is to be published. Evidence of publication must then be submitted to the Board as proof of compliance with this state regulatory requirement.

PRESENTATION REQUIREMENT:

1. The Applicant shall make one or more presentations, as directed by the Board, to the Board at a public meeting of the Board to present its application. The

Applicant shall be prepared at that meeting to respond to Board questions as they pertain to the proposed facility/operation.

2. In addition to the applicant, appropriate support personnel (attorney, engineer, hydrologist, manufacturer's rep. or other as is appropriate) shall also be present if necessary to support the application.
3. After the presentation, the applicant may be required to provide any relevant and material information concerning the application requested by municipal officials, Boards and Agencies. The Board shall not be required to make a final determination on the application until all such information, as determined by the Board, has been submitted.
4. The Board will make its final, written decision on the application within 90 days from receiving a complete application.

APPROVAL REQUIREMENTS:

Each Board Approval Finding must contain requirements that:

1. Appropriate representatives of the municipality and County will have access to the site for inspection of operations and records related to information required to be submitted to the Tennessee Department of Environment and Conservation.
2. The facility will provide, in a timely fashion, upon request, the Board with tonnage data from existing site operations. Such information must be kept for a minimum of four years.
3. The applicant will update by February 1 of each calendar year or as otherwise directed by the Board, any information contained in the application which has been changed or modified
4. Board approval will become void and the project must be resubmitted as if it were a new facility or application, if the project does not receive a needed permit or approval from the Tennessee Department of Environment and Conservation within five years from the date of final Board approval.

A form for Board use in approving a facility is attached as Exhibit II. A form for Board use in rejecting a facility is attached as Exhibit III.

Exhibit I

SAMPLE NOTICE

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD

The Shelby County Municipal Solid Waste Region Planning Board (the Board) has received an application to **construct or modify** (select one) a solid waste management facility in Shelby County and has determined it to be complete. Under the state regulations establishing the Board, the opportunity for public comment and a public hearing on the facility's application shall be provided as a part of our review. The Public Comment period shall begin on MONTH, DATE, YEAR and end on MONTH, DATE, YEAR. The public hearing for this facility will be held on MONTH, DATE, YEAR at TIME, at the NAME OF FACILITY, STREET ADDRESS, CITY, TN, ZIP CODE. Oral and written comments on the facility will be accepted at that time.

In its review, the Board is charged with determining if the **new or modified** (select one) facility complies with the existing Ten-Year Plan for Solid Waste Management (Plan) adopted by the Board for Shelby County. Copies of the Plan and the completed application are available for review from 8:00 AM until 4:00 PM Monday through Friday in, Room 628, 125 North Main, Memphis TN 38103. Any written comments should be mailed to Andy Ashford Board Secretary at the address given above and must be postmarked no later than MONTH, DATE, YEAR. E-mail comments will be accepted and should be sent to: andy.asford@cityofmemphis.org

Facility Information:

Owner/Operator: ABCD, Inc.

Location: 1111 West Anyplace Drive

City: Memphis, TN 38103

Facility Description:

Type of Operation: Class IV Landfill

Operations Conducted: disposal of non-hazardous demolition and construction waste

Estimated Capacity: 444,444 Cubic Yards

Estimated Life: 30 .5 years

Exhibit II
SAMPLE OF A BOARD APPROVAL FINDING

**FINDINGS OF THE SHELBY COUNTY MUNICIPAL
SOLID WASTE REGION PLANNING BOARD**

THE SHELBY COUNTY MUNICIPAL SOLID WASTE REGION PLANNING BOARD (hereinafter referred to as Board) states that a majority of its members present at the meeting to consider the issue find that:

1. Having received an initial application for the construction/modification of a solid waste facility from **ABCD, INC** on January 1, 200_ and supplements thereto on February 1, 200_ and March 1, 200_; and
2. Having reviewed the application, and all later supplements thereto, for the Construction and/or Modification of the solid waste facility located or proposed to be located at **1111 WEST ANYPLACE Drive** in Shelby County Tennessee and determined said application is complete; and
3. Having published notice of its intent to hold a public hearing, and announcing the opening of a Thirty (30) day comment period, on the application, such notice published in the Commercial Appeal on **APRIL 1, 200_** and (date and name of any other Publication(s) required by Board Secretary), and
4. Having conducted a public hearing on **JUNE __, 200_**, at **2222 EAST CAPITAL STREET** in Shelby County to receive comment on the request and application, and
5. Having reviewed and considered the complete application as well as public comments received during the public comment period and at the public hearing concerning the application and request;

NOW THEREFORE, the Board hereby makes the following findings and recommendations:

1. The application is **APPROVED** as consistent with the most recently Board adopted and state approved Shelby County Ten Year Solid Waste Plan for the following reasons:
 - a. It is designed to provide modern and efficient solid waste management services.

- b. It will accept waste from, and therefore provide disposal or recycling capacity to, the Shelby County solid waste planning area, while not overburdening the local infrastructure capacity required to operate the facility.
 - c. It has proposed sufficient operational safeguards to prevent it from becoming a local nuisance, thereby increasing the likelihood all of the facility's design capacity can be utilized.
2. The Board makes this approval with the recommendation the Tennessee Department of Environment and Conservation, Division of Solid Waste, should include in any permit issued under its regulatory authority requirements for the facility and its owner/operator, permit conditions which require the owner/operator to provide:
- a. Any and all information requested by the Board that is necessary for the preparation of the Board's Annual Regional Solid Waste report, by February 1 of each calendar year or as otherwise directed by the Board and information necessary to complete any future five-year update of the Solid Waste Plan as directed by the Board.
 - b. Reasonable access during normal operating hours to authorized representatives of the Board including municipality or county personnel for the jurisdiction in which the facility is located, as may be necessary for their review of the underlying data used to create the information submitted to the Board during preparation of the annual report/Five-Year update.
 - c. Notice to the Board, at least annually, by February 1 of each calendar year or as otherwise directed by the Board, describing the operating status of the facility, and an update of material information contained in the application, including where appropriate, any change in its design capacity or waste accepted.
 - d. A new application to the Board for approval of any facility modifications.
3. This approval is will become void if the facility fails to obtain all required permits and approvals from the Tennessee Department of Environment and Conservation within five (5) years from the date of final Board approval.

Entered this day the _____ of August, 200__ .

Chairman

Members Present: _____

Members Voting for Approval : _____

Exhibit III
SAMPLE OF A BOARD REJECTION FINDING

**FINDINGS OF THE SHELBY COUNTY MUNICIPAL
SOLID WASTE REGION PLANNING BOARD**

THE SHELBY COUNTY MUNICIPAL SOLID WASTE REGION PLANNING BOARD (hereinafter referred to as Board) states that a majority of its members present at the meeting to consider the issue find that:

- 1 Having received an initial application for the construction/modification of a solid waste facility from **ABCD, INC** on January 1, 200_ and supplements thereto on February 1, 200_ and March 1, 200_; and
- 2 Having reviewed the application, and all later supplements thereto, for the Construction and/or Modification of the solid waste facility located or proposed to be located at **1111 WEST ANYPLACE Drive** in Shelby County Tennessee and determined said application is complete; and
- 3 Having published notice of its intent to hold a public hearing, and announcing the opening of a Thirty (30) day comment period, on the application, such notice published in the Commercial Appeal on **APRIL 1, 200_** and (date and name of any other Publication(s) required by Board Secretary), and
- 4 Having conducted a public hearing on **JUNE __, 200_**, at **2222 EAST CAPITAL STREET** in Shelby County to receive comment on the request and application, and
- 5 Having reviewed and considered the complete application as well as public comments received during the public comment period and at the public hearing concerning the application and request;

NOW THEREFORE, the Board hereby makes the following findings:

1. The application is **REJECTED** as not being consistent with the most recently Board adopted and state approved Shelby County Ten Year Solid Waste Plan for the following reasons:
 - a. It not is designed to provide modern and efficient solid waste management services.

- b. It has failed to propose sufficient operational safeguards to prevent it from becoming a local nuisance, thereby decreasing the likelihood the facility's design capacity can be utilized.

Entered this day the _____ of August, 200_ .

Chairman

Members Present: _____

Members Voting for Approval : _____

**SHELBY COUNTY MUNICIPAL
SOLID WASTE REGION PLANNING BOARD
ROOM 628, 125 NORTH MAIN
MEMPHIS, TN 38103**

July 25, 200_

APPLICANT
ABCD Company
1111 Anyplace Drive
Memphis TN, 38***

Notice to Applicant for Review of a New or Modified Existing Solid Waste Facility

On the _____ of _____, 200_, the Department received your application for review by the Shelby County Municipal Solid Waste Region Planning Board for construction of a new or modification to an existing solid waste facility in Shelby County. This application has been reviewed by the Department and found to be **complete**.

Based on this determination, the following steps must be taken in preparation for a final determination by the Board.

1. A public notice will need to be run in the Commercial Appeal, (**and any required community paper required by the Board Secretary**) indicating the complete application is available for review and public comment. It shall also notify the public of the date and location of a public hearing on the facility's compliance with the Board's Ten Year Solid Waste Plan for Shelby County.
2. A public hearing will be held at the next Board meeting, now set for _____. _____, 200_. The hearing will be at ##### Capital Street, Memphis TN at 3:00 PM.
3. A representative from your organization as well as support personnel familiar with the application, including as appropriate environmental consultants and legal representatives, should be prepared to give a brief presentation on the application and to answer questions from the public and the Board at the public meeting.

Should you have any question concerning the processing of this application, please contact Carter Gray at 379-7845 or Jeff Reece at 379-7861.

Sincerely,

Board Secretary

**SHELBY COUNTY MUNICIPAL
SOLID WASTE REGION PLANNING BOARD
ROOM 628, 125 NORTH MAIN
MEMPHIS, TN 38103**

July 25, 200_

APPLICANT
ABCD Company
1111 Anyplace Drive
Memphis TN, 38***

Notice to Applicant for Review of a New or Modified Existing Solid Waste Facility

On the _____ of _____, 200_, the Department received your application for review by the Shelby County Municipal Solid Waste Region Planning Board for construction of a new or modification to an existing solid waste facility in Shelby County. This application has been reviewed by the Department and found to be **incomplete**.

Based on this determination, the following steps must be taken before the application can be reviewed by the Board.

1. Updates of the solid waste facility application submitted to the Tennessee Department of Environment and Conservation have not been included in the application.

Should you have any question concerning the processing of this application, please contact Carter Gray at 379-7845 or Jeff Reece at 379-7861.

Sincerely,

Board Secretary